

Remarks

The outstanding Office Action states that it is responsive to a Communication filed on August 14, 2003. It is pointed out that a Supplemental Amendment was forwarded to the United States Patent and Trademark Office by facsimile on September 16, 2003. It is understood that the Supplemental Amendment was not entered or considered in the above-identified patent application prior to issuance of the outstanding Office Action that was mailed on September 26, 2003. This Amendment is filed in place of the Supplemental Amendment that was forwarded to the United States Patent and Trademark Office by facsimile on September 16, 2003. It is requested that the Supplemental Amendment forwarded to the United States Patent and Trademark Office by facsimile on September 16, 2003 remain unentered.

The invention is directed at a method of finishing a wood surface. The applicants discovered that the life of a finish on a wood surface can be extended by providing a finishing film material in the form of a sheet on the finished wood surface.

As described by the specification of the above-identified patent application at page 1, the brightwork on boats refers to the interior or exterior wood that has been finished in a manner that leaves the natural grain of the wood exposed. The harsh conditions of sunlight and moisture cause a relatively rapid deterioration of the brightwork. As a result, it is often necessary to refinish interior or exterior wood on boats. By adhering a finishing film material to the surface of the finished wood according to the invention, it is expected that the life of the brightwork can be extended. Although the invention provides for applying a film to brightwork on a boat to extend the life of the finish, the life of other wood surfaces containing a varnish, oil or sealer can be similarly extended according to the invention.

The Prior Art-Based Rejections

The outstanding Office Action includes several prior art-based rejections. Claims 1, 8, and 13-14 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,607,540 (Hoogstoel). Claims 1 and 11-12 stand rejected under 35 U.S.C. §102(b) over Australia Publication No. 265,749 (Hlubucek et al.). Claims 1 and 5-10 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,256,472 (Moriya et al.). Claims 2-7, 9-10 and 17 stand rejected under 35 U.S.C.

§103(a) over Hoogstoel. Claims 11, 12, and 17 stand rejected under 35 U.S.C. §103(a) over Hoogstoel and Hlubucek et al. Claims 15 and 16 stand rejected under 35 U.S.C. §103(a) over Hoogstoel. Claims 2, 4, and 14-16 stand rejected under 35 U.S.C. §103(a) over Moriya et al. These rejections are traversed.

The prior art relied upon in the outstanding Office Action fails to disclose or suggest applying a finishing film material to brightwork on a boat according to claim 1. As described by the specification at page 1, lines 10-12, brightwork refers to the interior or exterior wood on a boat that has been finished with a non-opaque varnish, oil or sealer that leaves the natural grain of the wood exposed. The prior art relied upon in the outstanding office action additionally fails to disclose or suggest applying a finishing film material to varnish, oil or sealer that is provided on a wood surface. Independent claim 17 provides for coating a wood substrate with a liquid varnish to form a coated surface prior to applying a finishing film material to the coated surface. New independent claim 34 provides for coating a wood surface with an oil or sealer to form a coated surface prior to applying a finishing film material to the coated surface. New independent claim 36 additionally provides for coating a wood substrate with a liquid varnish to form a coated surface prior to applying a finishing film material to the coated surface.

Rejection Over Hoogstoel

Hoogstoel is essentially directed at wallpapering applications. As described by Hoogstoel at column 1, line 74 through column 2, line 7, the backing is provided as a decorative material and can include various forms such as paper, vinyl film, organic film, metal foils, and laminates. Hoogstoel provides no disclosure or suggestion to apply films to brightwork on a boat (independent claim 1), varnish on a wood substrate (independent claims 17 and 36), or oil or sealer on a wood substrate (independent claim 34).

In view of the above comments, withdrawal of the rejection under 35 U.S.C. § 102(b) over Hoogstoel is requested.

Rejection Over Hlubucek et al.

Hlubucek et al. describe the application of a plastic film to various substrates including "leather, fabrics, wood, metals and other materials." See Hlubucek et al. at page 2, lines 1-7. It

is submitted that there is no disclosure or suggestion by Hlubucek et al. to apply a plastic film to brightwork on a boat (independent claim 1), varnish on a wood substrate (independent claims 17 and 36), or oil or sealer on a wood substrate (independent claim 34).

In view of the above comments, withdrawal of the rejection under 35 U.S.C. § 102(b) over Hlubucek et al. is requested.

Rejection Over Moriya et al.

Moriya et al. describe a surface-protecting film that can be laminated to various surfaces including "plastic, rubber, metal plate, glass, wood, slate or other substrate for the purpose of surface protection or decoration." See Moriya et al. at column 1, lines 10-20. Although Moriya et al. describe a film that can be applied to various surfaces to form a laminate, it is submitted that Moriya et al. fail to disclose or suggest applying a film to brightwork on a boat (independent claim 1), varnish on a wood substrate (independent claims 17 and 36), or oil or sealer on a wood substrate (independent claim 34).

In view of the above comments, the claimed invention is not anticipated by Moriya et al. and withdrawal of the rejection under 35 U.S.C. § 102(b) over Moriya et al. is requested.

Rejection Over Hoogstoel and Hlubucek et al.

As discussed above, Hoogstoel is essentially directed at wallpapering applications, and Hlubucek et al. is directed at the application of a plastic film to various substrates including "leather, fabrics, wood, metals and other materials." Hoogstoel and Hlubucek et al. fail to disclose applying a finishing film material to brightwork on a boat (independent claim 1), varnish on a wood substrate (independent claims 17 and 36), and oil or sealer on a wood substrate (independent claim 34).

Furthermore, one having ordinary skill in the art would not have received the suggestion to modify either Hoogstoel or Hlubucek et al. to provide a finish layer such as varnish, oil or sealer on a wood substrate prior to application of the wallpaper described by Hoogstoel or the plastic film described by Hlubucek et al. Hoogstoel and Hlubucek et al. provide no suggestion that a wood substrate, prior to application of wallpaper or plastic film, can include a finish layer.

It is further pointed out that new dependent claims 31, 32, 35, and 37 are introduced characterizing the finish on the wood substrate as dried prior to the application of the finishing film. Hoogstoel and Hlubucek et al. fail to disclose or suggest applying a varnish, oil or sealer to a wood substrate, allowing the varnish, oil or sealer to dry, and then applying a finishing film material to the dried varnish, oil or sealer provided on the wood substrate.

In view of the above comments, the claimed invention would not have been obvious from Hoogstoel and Hlubucek et al. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) over Hoogstoel and Hlubucek et al. is requested.

Rejection Over Moriya et al.

As discussed above, Moriya et al. describe a surface-protecting film that can be laminated to various surfaces including "plastic, rubber, metal plate, glass, wood, slate or other substrate for the purpose of surface protection or decoration." See Moriya et al. at column 1, lines 10-20. It is submitted that one having ordinary skill in the art would not have received a suggestion from Moriya et al. to utilize the described "surface-protecting film" for application over brightwork on a boat (independent claim 1), varnish on a wood substrate (independent claims 17 and 36), and oil or sealer on a wood substrate (independent claim 34). Moriya et al. fail to suggest applying a film over a finish layer on a wood substrate wherein the finish layer can be varnish, oil or sealer.

New dependent claims 31, 32, 35, and 37 are introduced characterizing the finish on the wood substrate as dried prior to the application of the finishing film. Moriya et al. fail to disclose or suggest applying a varnish, oil or sealer to a wood substrate, allowing the varnish, oil or sealer to dry, and then applying a film to the dried varnish, oil or sealer provided on the wood substrate.

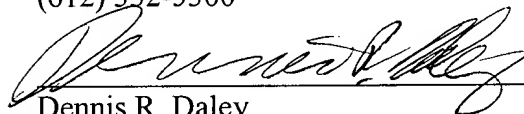
In view of the above comments, withdrawal of the rejection under 35 U.S.C. § 103(a) over Moriya et al. is requested.

It is believed that his application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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